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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

EDWARDS et al.

Serial No.: 09/247,893

Filed: February 10, 1999

Atty. File No.: 4366-33

For: "DYNAMICALLY ALLOCATING  
SERVER RESOURCES TO  
COMPETING CLASSES OF WORK  
BASED UPON ACHIEVEMENT OF  
SERVICE GOALS"

Group Art Unit: 2642

Examiner: WILLIAM J. DEANE, JR.

Technology Center 2600

SECOND SUPPLEMENTAL  
INFORMATION DISCLOSURE STATEMENT

"EXPRESS MAIL" MAILING LABEL NUMBER: EV539128369US  
DATE OF DEPOSIT: 7/12/04

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE  
"EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE  
UNDER 37 C.F.R. 1.10 ON THE DATE INDICATED ABOVE AND IS  
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TYPED OR PRINTED NAME: Barbara Lynch

SIGNATURE: [Signature]

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The references cited on attached Form PTO-1449 are being called to the attention of the Examiner.

☒ Copies of the cited references are enclosed herewith.

☐ Copies of the cited references are not enclosed, in accordance with 37 C.F.R. 1.98(d),

because the references were submitted to the U.S. Patent and Trademark Office in prior application Serial No.  
\_\_\_\_\_ filed \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. §  
120.

☐ To the best of applicants' belief, the pertinence of the foreign-language references are  
believed to be summarized in the attached English abstracts and in the figures, although applicants do not  
necessarily vouch for the accuracy of the translation.

☐ Examiner's attention is drawn to the following co-pending applications, copies of which have  
been or are being submitted:

Serial No. \_\_\_\_\_ filed \_\_\_\_\_

Serial No. \_\_\_\_\_ filed \_\_\_\_\_

☒ Other: Attached hereto is are copies of (1) an Examiner's Report for Canadian Patent  
Application No. 2,298,266, and (2) an Examination Report for European Patent Application No. 00301032.9,  
each of which is the respective foreign counterpart of the above referenced application.

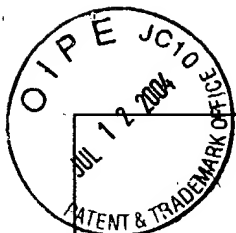
Submission of the above information is not intended as an admission that any item is citable under the  
statutes or rules to support a rejection, that any item disclosed represents analogous art, or that those skilled in

the art would refer to or recognize the pertinence of any reference without the benefit of hindsight, nor should an inference be drawn as to the pertinence of the references based on the order in which they are presented. Submission of this statement should not be taken as an indication that a search has been conducted, or that no better art exists.

It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references made of record therein.

### FEES

<input type="checkbox"/>	<p><b>37 CFR 1.97(b):</b> No fee is believed due in connection with this submission, because the information disclosure statement submitted herewith is satisfies one of the following conditions ("X" indicates satisfaction):</p> <p><input type="checkbox"/> Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or</p> <p><input type="checkbox"/> Within three months of the date of entry into the national stage of an international application as set forth in 37 CFR 1.491 or</p> <p><input type="checkbox"/> Before the mailing date of a first Office Action on the merits, or</p> <p><input type="checkbox"/> Before the mailing of a first Office action after the filing of a request for continued examination under 37 CFR 1.114.</p> <p>Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to <b>Avaya Inc. Deposit Account 50-1602.</b></p>
<input checked="" type="checkbox"/>	<p><b>37 CFR 1.97(c):</b> The information disclosure statement transmitted herewith is being filed after all the above conditions (37 CFR 1.97(b)), but before the mailing date of one of the following conditions:</p> <p>(1) a final action under 37 C.F.R. 1.113 or</p> <p>(2) a notice of allowance under 37 C.F.R. 1.311, or</p> <p>(3) an action that otherwise closes prosecution in the application.</p> <p>This Information Disclosure Statement is accompanied by:</p> <p><input checked="" type="checkbox"/> A Certification (below) as specified by 37 C.F.R. 1.97(c). Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to <b>Avaya Inc. Deposit Account 50-1602.</b></p> <p style="text-align: center;">OR</p> <p><input type="checkbox"/> Please charge <b>Avaya Inc. Deposit Account 50-1602</b> in the amount of \$180.00 for the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement. Please credit any overpayment or charge any underpayment to <b>Avaya Inc. Deposit Account 50-1602.</b></p>
<input type="checkbox"/>	<p><b>37 CFR 1.97(d):</b> This Information Disclosure Statement is being submitted after the period specified in 37 CFR 1.97(c).</p> <p><input type="checkbox"/> This information Disclosure Statement includes a Certification (below) as specified by 37 C.F.R. 1.97(e)</p> <p style="text-align: center;">AND</p> <p><input type="checkbox"/> Applicants hereby requests consideration of the reference(s) disclosed herein. Please charge <b>Avaya Inc. Deposit Account 50-1602</b> in the amount of \$180.00 under 37 C.F.R. 1.17(p). Please credit any overpayment or charge any underpayment to <b>Avaya Inc. Deposit Account 50-1602.</b> Election to pay the fee should not be taken as an indication that applicant(s) cannot execute a certification.</p>



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**Certification (37 C.F.R. 1.97(e))**  
(Applicable only if checked)

☒ The undersigned certifies that:

☒ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(1).

☒ A copy of the communication from the foreign patent office is enclosed.

OR

☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(2).

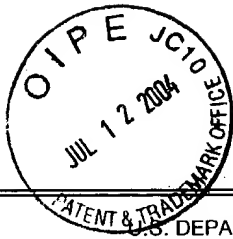
Respectfully submitted,

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Date: July 12, 2004

SHEET 1 OF 1

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	ATTY. DOCKET NO. 4366-33	SERIAL NO. 09/247,893
	APPLICANT EDWARDS et al.	
	FILING DATE February 10, 1999	GROUP ART 2642

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROP.
	AA	5,469,504	11/21/95	Blaha	379	265	
	AB	6,650,748 B1	11/18/03	Edwards et al.	379	266.04	

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## FOREIGN PATENT DOCUMENTS

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		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
							YES	NO

## OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)


EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	